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FACSIMILE COVER SHEET

MAR 0 8 2005

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TO: **Examiner Pham** USPTO	At Fax Number: 571 273 4040	Confirmation Phone Number:

From : George B. F. Yee   (5252)

RE: U.S. Appl. No. 10/685,743, filed October 14, 2003
       interview March 10, 2005 2PM (est)

Examiner Pham:

Thank you for the opportunity to discuss the claims prior to examination. Following is a brief outline of points for the discussion:

A. Section 112, 1st paragraph: Support for the claim language cited in this Section 112 rejection is provided in paragraph [33], lines 23-30 (discussion of Fig. 4) and in paragraph [36], lines 22-26, discussion of Fig. 5

B. Section 102:

    i. Micka et al. disclose the provisioning of a sequencer program in the host system. Col. 3, lines 10-15.

        (a) The sequencer program performs the operations disclosed in col. 7, lines 35-42 Micka et al. to identify a checkpoint group of info. packets.

        (b) The checkpoint group is then sent to the secondary site (18, Fig. 2) via ESCON CTC link.

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(c) If info. packets are lost due to failure in the ESCON CTC link, the secondary site cannot maintain consistency.

ii. In the present invention, data consistency is achieved by operations performed within the secondary storage system itself. Reference claim 1, lines 12-16 as originally filed.

(a) Thus, even if data blocks to the secondary are lost due to failed communication to the secondary, the secondary can still maintain data consistency.

(b) This is a patentably distinguishing aspect of the present invention.

(c) Also, Micka et al. require a software upgrade (i.e., the sequencer) to be made in the host system. The present invention does not require a host upgrade since the consistency operations are performed in the secondary storage system.

I look forward to our discussion on Thursday, March 10.

Sincerely,
George Yee
Reg. No. 37,478

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